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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,577	12/26/2001	Harald Jakob	215641US0X	7950

22850 7590 11/17/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

LISH, PETER J

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/025,577

Applicant(s)

JAKOB ET AL.

Examiner

Peter J Lish

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

Applicant's arguments with respect to claims 1-2 and 4-19 have been considered but are moot in view of the new ground(s) of rejection.

The rejection of claim 20 under 35 U.S.C. 112 is withdrawn due to the cancellation of the claim.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 102***

Claims 7 and 11 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nakagawa et al. (US 4,193,977).

Nakagawa teaches the thermal treatment of sodium percarbonate using a fluidized bed with air heated to between 110 and 135 °C for a period of time between 5 and 60 minutes. It is expected that the product obtained by Nakagawa et al. is equivalent to that produced by the instantly claimed process, because no substantial difference is seen between the process of Nakagawa et al. and that of the instantly claimed invention.

#### ***Claim Rejections - 35 USC § 103***

Claims 1-2, and 4-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britchard (US 4,421,669).

Britchard teaches treating sodium percarbonate particles by fluidizing with a flow of air heated to between 55 and 120 °C for a period of between 10 and 20 minutes. The particles are

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additionally treated with a coating agent. It would have been obvious to one of ordinary skill at the time of invention to treat the sodium percarbonate particles at a temperature between 80 and 95 °C using the process of Britchard, because the temperatures fall within the disclosed range.

Britchard does not explicitly teach that the treatment takes place immediately after a drying step subsequent to production of the sodium percarbonate. It is expected that the sodium percarbonate of Britchard be dried prior to the thermal treatment step, because it is well known in the art that the production of sodium percarbonate requires a final drying step and because the use of moist sodium percarbonate is not taught. Additionally, it would have been obvious to one of ordinary skill at the time of invention to perform the stabilizing treatment of Britchard immediately after the production of the sodium percarbonate granules in order to minimize the decomposition of the sodium carbonate, which is known to have low storage stability.

While Britchard does not explicitly teach that the active oxygen content of the sodium percarbonate is maintained, it is expected that this be the case, as no difference is seen between the treatment of Britchard and that of the instantly claimed invention.

While Britchard does not explicitly teach the manner by which the air is heated, it would have been obvious to one of ordinary skill at the time of invention to use any conventional means of heating air, such as the use of hot process, or flue, gas streams.

Regarding claims 7 and 11, it is expected that the product obtained by Britchard et al. is equivalent to that produced by the instantly claimed process, because no substantial difference is seen between the process of Britchard et al. and that of the instantly claimed invention.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Lish whose telephone number is 703-308-1772. The examiner can normally be reached on 9:00-6:00 Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 703-308-3837. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

PL



STUART L. HENDRICKSON  
PRIMARY EXAMINER